

Congress of the United States
Washington, DC 20515

August 30, 2019

The Honorable Matthew Albence
Acting Director
U.S. Immigration and Customs Enforcement
Department of Homeland Security
500 12th Street SW
Washington, D.C. 20536

Dear Acting Director Albence,

The Congressional Hispanic Caucus (CHC) urgently requests a meeting with you in September to discuss a pattern of questionable management of U.S. Immigration and Customs Enforcement (ICE) funding, detention operations, and mission priorities under your leadership. The extent of the disclosed transfers made this week again reveals the agency's lack of fiscal discipline and repeated defiance of negotiated agreements with Congress. Despite record spending at ICE¹, detention conditions are abysmal and subject to continuous litigation driven by a catalogue of human rights abuse allegations.² Furthermore, ICE requested millions in additional taxpayer money but continued to carry out large-scale and historically low-priority enforcement operations.³ The CHC seeks to gain a better understanding of your plan to improve ICE's fiscal discipline and transparency to ensure that negotiated agreements between the President and Congress are honored; aggressively curtail detention abuses at ICE facilities; and pivot from low-priority enforcement operations that target families and workers towards those who have committed serious crimes and are serious public threats.

ICE continues to massively overspend contrary to deliberately negotiated agreements, resulting in significantly reduced funding for other important DHS operations and investments to make up the cost. During Fiscal Year 2018, ICE took funding from agencies that advance national security priorities like the Federal Emergency Management Agency (FEMA), Transportation Security Administration, and the Domestic Nuclear Detention Office. Again we learn that despite record funding levels for ICE, DHS redirected funding in Fiscal Year 2019 from sources, such as the United States Coast Guard and \$155 million from FEMA to sustain, at least in part, ICE's fiscal mismanagement and expand the Migrant Protection Protocol policy. ICE's unsustainable

¹ American Immigration Council, The Cost of Immigration Enforcement and Border Security May 17, 2019 <https://www.americanimmigrationcouncil.org/research/the-cost-of-immigration-enforcement-and-border-security>

² Gabriel Elliot, *Abused Asylum-Seekers Launch Legal Battle Against ICE and its "Concentration Camp" Prisons* August 13th, 2018 <https://www.mintpressnews.com/abused-asylum-seekers-launch-legal-battle-against-ice-and-its-concentration-camp-prisons/247543/>

³ American Immigration Council, The End of Immigration Enforcement Priorities Under the Trump Administration March 7, 2018 <https://www.americanimmigrationcouncil.org/research/immigration-enforcement-priorities-under-trump-administration>; ICE Focus Shifts Away from Detaining Serious Criminals, Trac Immigration <https://trac.syr.edu/immigration/reports/564/>

spending shows a reckless disregard to the tax payers and undercuts critical government missions that keep our country safe and secure. The CHC is very concerned by the cavalier spending of ICE and leadership's dependence to take from other government agencies in order to make up for its shortfall.

The United States Congress has provided ICE unprecedented resources, yet the agency fails to carry out its responsibilities in a suitable manner and fails to provide the requisite oversight over its detention facilities. Dreadful detention conditions and inferior management have resulted in historic litigation in the form of a sweeping class-action lawsuit in federal court, alleging that negligent ICE oversight has caused severe deficiencies in medical and mental health care and discrimination against detainees with disabilities.⁴ Moreover, a report by the Department of Homeland Security Office of Inspector General exposed shocking and systemic violations at ICE detention facilities, including the prohibited use of restraints, significant food safety issues, and practices that infringe on detainees rights.⁵ Disgracefully, we have seen twenty-four immigrants die in ICE custody under the Trump administration, a record high. Instead of ICE immediately resolving these outstanding and disturbing issues, the agency continues to needlessly expand detention in a broken system and contrary to congressional instruction.⁶ The CHC is very eager to learn how ICE is addressing these systemic violations and radically improving conditions for migrants in detention, including plans to scale down daily detention occupancy to at-most 40,000 beds.

Furthermore, we were stunned to watch the largest workplace raid in more than a decade unfold on the same day that President Trump visited El Paso in the wake of the deadliest attack on Latinos in this country's history.⁷ After the Department of Homeland Security came to Congress for over a billion of dollars in tax payer money, ICE used 600 agents and untold resources to arrest working immigrants in seven processing plants in Mississippi. This enforcement operation resulted in the arrest of nearly 700 workers and substantial collateral damage in the form of separated families. Two children, ages 12 and 14, were left alone for eight days after both their parents were swept up in the raids⁸ while other tender-aged children were left without their mothers.⁹ The CHC is very concerned with ICE's priorities and how it is choosing to use its limited resources to execute

⁴ Castillo Andrea, *ICE Provides 'deplorable' healthcare to detained immigrants, advocates alleged in massive lawsuit* August 19, 2019 <https://www.latimes.com/california/story/2019-08-19/immigrant-detention-medical-care-lawsuit>

⁵ Department of Homeland Security Office of Inspector General Report, *Concerns about ICE Detainee Treatment and Care at Four Detention Facilities* June 3, 2019 <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>

⁶ Fiscal Year 2019 Consolidated Appropriations Act *Division-By-Division Summary* <https://appropriations.house.gov/sites/democrats.appropriations.house.gov/files/documents/Summary%20of%20Conference%20Report.pdf>

⁷ Olmstead Molly, *ICE Arrests 680 in Mississippi in Largest Workplace Raid in Years* August 07, 2019 <https://slate.com/news-and-politics/2019/08/ice-raid-mississippi-immigration.html>

⁸ Wade Peter, *Two Kids Were Left Alone for Eight Days Following Mississippi ICE Raid* August 25, 2019 <https://www.rollingstone.com/politics/politics-news/two-kids-alone-for-eight-days-mississippi-ice-raid-876190/>

⁹ Gomez Alan, *'I thought she was going to die': Parents separated from children after Mississippi ICE raids* August 24, 2019 <https://www.usatoday.com/story/news/nation/2019/08/24/mississippi-raids-ice-still-detaining-breastfeeding-single-parents/2096623001/>

historically low-priority enforcement operations. We look forward to hearing how ICE will shift its priorities and dedicate its funding to target serious public threats instead of working immigrant families.

The Congressional Hispanic Caucus is a 38-member Caucus that represents many districts along the border and in areas largely impacted by ICE actions. We are eager to sit down with you to discuss the ways we can restrain ICE spending per congressional appropriations, eliminate detention migrant abuses, and realign ICE activities to long-established immigration priorities. Given the urgent issues outlined above, we would like to meet with you as soon as possible. If you have any questions, please feel free to reach out to CHC Executive Director, Alma Acosta at alma.acosta@mail.house.gov.

Sincerely,



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